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Environmental Law in Maine- Pierce Atwood

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Outline for Remarks:

- Opening
 - Introduce yourself
 - Strong focus on Agency's core mission work
 - Providing certainty to the public
 - Risk Communication
 - Partnerships
 - New England Water Priorities
 - Nutrients
 - Infrastructure and Resilience
 - Streamlined permitting
 - Integrated Planning
 - Superfund Task Force
 - Proposed Deletion of Union Chemical site in South Hope, Maine
 - Portsmouth Naval Shipyard
 - Brownfields
 - A few other topics of interest
 - Lead in Drinking Water
 - ME/NH Seacoast geographic initiative
 - Emerging Contaminants
 - Focus on Environmental Justice
 - Meaningful engagement with communities
- Closing

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New England Water Priorities

Nutrients & Stormwater:

- Many of our waterbodies throughout New England- Casco Bay and Great Bay- are struggling with excess nutrients causing water quality challenges like algae blooms, or worse, cyanobacteria blooms, and diminished fish habitat.
- And I think everyone agrees that we need to make progress.
- The public really cares when their local waters turn bright green, and we want to work in partnership with all of you to deliver the clean water that people expect.
- Casco Bay is part of EPA's National Estuary Program to protect and restore the water quality and ecological integrity of estuaries of national significance.
- Back in June I had the pleasure of joining the Baykeeper on a tour of Casco Bay.
- Its watershed represents just three percent of the state's total land mass, but holds roughly 18 percent of its population and includes portions of 48

municipalities. It has 575 miles of shoreline and 785 islands and ledges. Casco Bay is one of 28 NEPs in the United States and Puerto Rico that are designated as estuaries of national significance. Each NEP focuses within a study area that includes the estuary and surrounding watershed.

- In 2016 the Casco Bay Estuary Partnership, with its partners, finalized a revised "Comprehensive Conservation and Management Plan," a five-year plan containing actions to address water quality and living resource challenges and priorities. The Casco Bay Plan is focused on four goals:
 - Protect, restore and enhance key habitats such as salt marshes, eelgrass beds and fish passage
 - Reduce nutrient pollution and its impacts, such as coastal acidification
 - Increase public engagement with the bay and foster resilient communities as they adapt to climate change
 - Mobilize collective knowledge and resources, including convening groups to address problems, such as nutrient pollution.
- We are very happy to be working closely with the Casco Bay Estuary Partnership on continued progress of this plan.

Streamlined Permitting

- It is very important that we continue to focus on streamlining our permitting.
- Expectations must be clear from all sides when it comes to permitting.
- We are working very hard on that.

Infrastructure & Resilience

- Water infrastructure is a critical part of water quality- both for surface waters and for drinking water.
- One of our biggest infrastructure challenges is flooding from large storms – which can be exacerbated when combined with storm surges in coastal communities. EPA is supporting state and federal partners to provide guidance and implementation for coastal resilience.
- Over the past 50 years, we have seen a significant increase in extreme weather events, which can often overwhelm our infrastructure and flood key infrastructure.
- We must understand infrastructure vulnerabilities and adapt.
- We also need to keep working to get the lead out of our pipes.

Emerging Contaminants

- When it comes to drinking water the other issue that is on the forefront is challenges associated with emerging contaminants.
- We have seen a lot of action with Perfluorinated Chemicals or (PFAS) in water.
- PFAS are used in a wide variety of industries and commercial products for their valuable properties including fire resistance, dust suppression, and oil, stain, grease and water repellence. They are used in things like firefighting foam, Teflon, polishes, waxes paints, stain repellants, cleaning products and other items.
- We have coordinated closely to support our state partners' efforts on emerging contaminants.

- Our lab has been doing a lot of analyzing for PFASs in support of our state partners' work- especially in New Hampshire, Vermont and Massachusetts.
- We have also pulled together a New England coordination group with representatives from each state to continue the conversation and learn from each other's experiences.
- EPA is committed to working with our state partners to address PFAS issues as they arise.
- In June we hosted the first community engagement summit on PFAS in Exeter, NH.
- The summit was a great opportunity for our community groups and citizens to share their stories and to provide input into EPA's management plan.
- EPA has finished all of the community engagement events around the country now and is focusing its attention on the management plan.
- The management plan consists of four priorities:
 - EPA will initiate steps to evaluate the need for a maximum contaminant level (MCL) for PFOA and PFOS. We will convene our federal partners and examine everything we know about PFOA and PFOS in drinking water.
 - EPA is beginning the necessary steps to propose designating PFOA and PFOS as "hazardous substances" through one of the available statutory mechanisms, including potentially CERCLA Section 102.

- EPA is currently developing groundwater cleanup recommendations for PFOA and PFOS at contaminated sites and will complete this task by fall of this year.
- EPA is taking action in close collaboration with our federal and state partners to develop toxicity values for GenX and PFBS by this summer.

Superfund-

- Cleaning up superfund sites is a priority.
- I have traveled around the region to see sites.
- Some updates in Maine:

Union Chemical Site Deletion

- EPA has proposed to delete the Union Chemical Company Superfund Site from the National Priorities List.
- Site is in South Hope, Maine.
- It was a long time industrial site- that started as a paint and coating stripping operation in the 1960s.
- In the 70s the company expanded and began doing underground disposal for its process wastewater.
- It also added a fluidized bed incinerator to burn sludges.
- All of these operations left their mark on the site- particularly in the soil and groundwater.
- We have cleaned up contaminated soils and pumped and treaded contaminated groundwater.
- EPA and the State of Maine have determined that all appropriate Superfund-financed responses under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), have been implemented and that no further cleanup by responsible parties is appropriate for the Site.

- Long-term monitoring and Five-Year Reviews will continue to assure that remedial actions conducted at the site to date continue to be protective of public health and the environment. This deletion does not preclude future actions under Superfund if warranted.

Portsmouth Naval Shipyard

- Cleanup and redevelopment work at Portsmouth Naval Shipyard has been substantial, and is a great illustration of partnership with the Navy and our focus on re-use at superfund sites.
- Shipbuilding in Portsmouth Harbor dates back to 1690, and Portsmouth Naval Shipyard was established in 1800.
- Listed on the NPL in 1994, EPA, Navy, and MEDEP have successfully remediated 12 individual Operable Units/sites, including a 22-acre hazardous waste landfill that today serves as the Shipyard's main recreation facility, boasting a softball field extensive running paths, and a football field overlooking the river.
- The shipyard employs approximately 5,000 civilian and approximately 200 active-duty military personnel with the primary mission being the conversion, overhaul, and repair of submarines for the US Navy.

Brownfields

- Redeveloping brownfields property is a win-win for municipalities across the region- it's good for the environment and it's good for business.
- To get started on this kind of work, entities must first have a clear understanding of the kind of contamination- which is what our Brownfields Assessment grants are for.
- Then, cleanup plans are developed and our cleanup money can be used to conduct the cleanup before the redevelopment work occurs.
- Maine is no stranger to our Brownfields program.

- This year, Maine entities received a total of 10 grants worth about \$3.2 million to assess and cleanup contaminated brownfields properties.
- EPA Brownfields grants are incredibly competitive. It seems they get more competitive each year.
- They provide grantees with money to get started and leverage additional funds and redevelopment dollars to complete a project.
- We announced these grants in the spring in Wiscasset, where the community benefited from \$400,000 of cleanup grant money for cleaning up the Mason Station site in town.

EJ & Community Engagement

- I'd like to emphasize the important role of communities here- improving environmental health in communities is our bread and butter- that includes environmental justice communities.
- One of the priorities I am bringing to EPA is an emphasis on reducing disproportionate impacts to environmental justice communities and overall community engagement.
- Strong community engagement work is the best way to ensure public participation and true partnership- and I intend to make sure that happens for all of the important work we do to ensure clean air, water and land.